

STATE ACCIDENT FUND

POLICY NO. 00.00

Date: 03/01

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Subject: EMPLOYMENT REFERENCE

Approval: IDP

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

SCOPE:

The following provisions apply to all personnel employed by the State Accident Fund. The term "Agency" or "State Accident Fund (SAF)" will be used throughout this manual.

PURPOSE AND POLICY:

This policy provides an overview of general employment issues from the regulations of the Office of Human Resources of the State Budget and Control Board and the SAF. Generally, Human Resources Regulations Sections 19-700 through 19-720 are applicable to all state agencies.

PROCEDURES:

I. GENERAL RULES 19-701

- A. **19-701.01 through 19-701.05** - The State Accident Fund is an equal employment opportunity employer. (S.C. Code Ann. § 1-13-80) (*Refer to SAF Policy No. 19.00 Equal Employment Opportunity.*) All words in these Regulations referencing the masculine gender shall apply to females as well. These Regulations are in addition to the requirements of applicable State and federal laws.

B. **19-701.06 ETHICS ACT**

The Ethics Act governs the employment of family members and conflicts of interest. For additional information consult the Ethics Act (§ 8-13-100 through § 8-13-1520 of the South Carolina Code of Laws), the Ethics Commission opinions, and the State Ethics Commission. (S.C. Code Ann. § 8-13-100 to 8-13-1520) and *SAF Policy No. 4.00 Rules of Conduct*.

1. Employment of Family Members

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No public official, or public employee may cause the employment, appointment, promotion, reassignment, transfer, or advancement of a family member to a State or local office or position in which the public official, or

public employee supervises or manages. (S.C. Code Ann. § 8-13-750) Family member means an individual who is (a) the spouse, parent, brother, sister, child, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, or grandchild; or (b) a member of the individual's immediate family. Immediate family is defined as follows: 1) a child residing in a candidate's, public official's/member's/employee's household; 2) a spouse of a candidate or public official/member/employee; or an individual claimed by the candidate or public official/member/employee or the candidate's, public official's/employee's spouse as a dependent for income tax purposes. (S.C. Code Ann. § 8-13-1300),

2. Conflict of Interest

No employee may accept any work or compensation that could be reasonably construed as a conflict of interest. (*See SAF Policy No. 4.10 Conflict of Interest.*)

C. 19-701.07 EMPLOYMENT OUTSIDE OF STATE GOVERNMENT

SAF has adopted *Policy No. 43.00 Dual Employment* for the approval and regulation of jobs held by employees outside of State government. An agency may withdraw approval for such secondary employment for reasonable work-related issues.

D. 19-701.08 SOLICITATION AND DISTRIBUTION

Solicitations and distributions by agency employees or outside individuals generally are prohibited on SAF property during working hours. The Agency does allow staff to conduct fund-raising activities for charitable organizations. The Agency head or his designee will monitor all fund-raising activities.

II. 19-702 CLASSIFICATION PLAN

A. 19-702.01 GENERAL GUIDELINES

1. The State Office of Human Resources (OHR) establishes and maintains the Classification Plan to consist of (1) all approved

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SCOPE:

All State Accident Fund employees.

PURPOSE:

All public¹ employees are expected to adhere to the rules of conduct as outlined in the Ethics Reform Act. Anyone who is found guilty of violating these rules is subject to prosecution by the State Ethics Commission and the Attorney General's Office.

PROCEDURES:

1. A public employee may not knowingly use his/her employment or develop, participate in developing or attempt to use his/her employment to influence a government decision to obtain an economic interest for himself/herself, a member of his/her immediate family, an individual with whom he/she is associated, or a business with which he/she is associated.
2. A person may not directly or indirectly give, offer, or promise anything of value² to a public employee with intent to influence the public employee's official responsibilities, nor is the public employee to ask, demand, solicit, or accept anything of value for himself/herself or for another person in return for fulfilling his/her official responsibilities or duties.
3. A public employee may not receive anything of value³ for speaking before a public or private group if the speech is incidental to the public employee's duties as a public employee. However, a meal can be accepted if provided in conjunction with the speaking engagement where all participants are entitled to the same meal and the meal is incidental to the speaking engagement.

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4. Public employees may not receive money in addition to that received by the public employee in his/her official capacity for advice or assistance given in the course of his/her employment as a public employee.
5. No public employee may disclose confidential information gained as a result of his/her responsibility as a public employee that would affect an economic interest held by himself/herself, a member of his/her immediate family, an individual with whom he/she is associated, or a business with which he/she is associated.
6. No person may serve as a member of a governmental regulatory agency that regulates any business with which that person is associated.
7. No public employee may cause the employment, appointment, promotion, transfer, or advancement of a family member to a state or local office or position in which the public employee supervises or manages. A public employee may not participate in an action relating to the discipline of the public employee's family member.
8. It is a breach of ethical standards for a public employee who participates directly in procurement to resign and accept employment with a person contracting with the governmental body if the contract falls or would fall under the public employee's official responsibility.
9. No person may use government personnel, equipment, materials, or an office building in an election campaign. A person may use public facilities for a campaign purposes if they are available on similar terms to all candidates and committees. Likewise, government personnel may participate in election campaign on their own time and on non-government premises.
10. A public employee may not have an economic interest in a contract with the state if the public employee is authorized to perform an official function (including writing or preparing the contract, accepting bids, and awarding of the contracts) relating to the contract.

Created

10/28/02

¹ A public employee is defined as any person employed by the state, the county, or municipal government.

² Anything of value means money; a promissory note, bill of exchange, an order, a draft, warrant, check, or bond; a contract, agreement, promise, or other obligation for an advance, a conveyance, a forgiveness of

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indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money; stock, bond, note, or other investment interest in an entity; a receipt given for the payment of money or other property; a chose-in-action; a tangible good, chattel, or an interest in a tangible good, chattel; a work of art, an antique, or collectible; an automobile or other means of personal transportation; real property or an interest in real property; an honorarium or compensation for services; a promise or offer of employment; any other item that is a pecuniary or compensatory worth to a person.

Anything of value does not mean printed informational or promotional material, **not to exceed ten dollars** in monetary value; items of nominal value, **not to exceed ten dollars**, containing or displaying promotional material; a personalized plaque or trophy with a value that does not exceed one hundred and fifty dollars; educational material of a nominal value directly related to the public employee's responsibilities; an honorary degree; promotional or marketing items offered to the general public on the same terms and conditions without regard to status as a public employee; or a campaign contribution properly received and reported.

³ See 2 above